

Patent
Serial No. 09/765,291
Attorney Docket No. 028723-243

REMARKS

Entry of the foregoing, and early and favorable consideration of the subject application are respectfully requested.

By the present Amendment, Applicants have canceled Claims 1-126 in favor of newly added Claims 127-149. The new claims, which are substantially identical to the claims of U.S. Patent 6,025,126, recite compositions and kits for detecting a chromosomal aberration involving the BCR and ABL genes. These compositions and kits comprise at least two distinctly labeled probes, for detecting a chromosomal aberration involving the BCR and ABL genes, where the chromosomal aberration has an ABL gene side and a BCR gene side. One labeled probe in the composition or kit hybridizes to the ABL gene side of the chromosomal aberration, while a second, distinctly labeled probe, hybridizes to the BCR gene side of the chromosomal aberration. Such claims are at the very least entitled to an effective U.S. filing date of June 12, 1990, based on U.S. Application Serial No. 07/537,305.¹

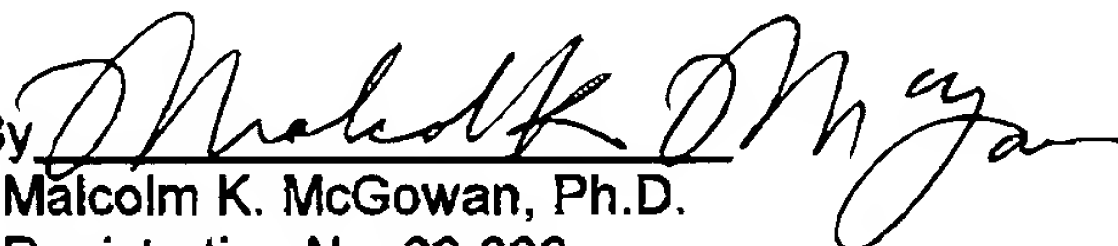
¹The present application is a divisional of application Serial No. 08/487,974, filed June 7, 1995, which is a continuation of application Serial No. 08/342,028, filed November 16, 1994, which is a continuation of application Serial No. 08/181,367, filed January 14, 1994, which is a continuation of application Serial No. 08/054,353, filed April 28, 1993, which is a continuation of application Serial No. 07/537,305, filed June 12, 1990, which is a continuation-in-part of application Serial No. 07/497,098, filed March 20, 1990, which is a continuation-in-part of application Serial No. 07/444,669, filed December 1, 1989, which is a continuation-in-part of application Serial No. 06,937, filed December 4, 1986; which is a continuation of application Serial No. 06/839,314, filed January 16, 1986.

Patent
Serial No. 09/765,291
Attorney Docket No. 028723-243

Exemplary written description support for Claims 127-149 in U.S. Application Serial No. 07/537,305 is set forth in Appendix A. This Preliminary Amendment is presented by Applicants in anticipation of filing a Request for Interference between the application identified in caption and U.S. Patent No. 6,025,126, in order to ensure compliance with 35 USC §135(b).

The Commissioner is hereby authorized to deduct any fees that are required by this paper to Deposit Account 02-4800.

Respectfully submitted,

By 
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

Burns, Doane, Swecker & Mathis
P.O. Box 1404
Alexandria, VA 22313-1404
(703) 836-6620

Dated: February 15, 2001